

REMARKS

Reconsideration of the above-identified application is respectfully requested in view of the previous amendment and the following remarks. Claims 1, 7 and 15 have been amended. Claims 1-23 are now in this case.

Claims 1-6 and 15-16 were rejected under 35 U.S.C. §101, allegedly because the claimed invention is directed towards non-statutory subject matter. The Examiner alleges that the "language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to technological art, environment or machine which would result in a practical application producing a concrete, useful and tangible result to form the basis statutory subject matter under 35 U.S.C. §101."

With respect to claim 1, it is respectfully submitted that the Examiner has mischaracterized claim 1. Claim 1, as amended, specifies a method of screening passengers for a passenger aircraft flight. According to the method specified by claim 1, a background check is performed on a passenger after first obtaining the passenger's consent, and a data record associated with the passenger is formed. Then, biologically oriented identification data associated with a passenger is obtained and stored in the data record. Then, prior to a passenger aircraft flight, biologically oriented measurement data is obtained from a person purporting to be the passenger, the biologically oriented measurement data is compared to the biologically oriented identification data, and the person is permitted to participate in the aircraft flight based on the comparison.

Claim 1, therefore, specifies a method of screening passengers that utilizes a data record that stores background information and biologically oriented identification data, and that processes the biologically oriented identification and biologically oriented measurement data by comparing them. Claim 1 is, therefore, directed towards more than just an abstract idea -- it improves airport security by using a processing system that compares previously stored biologically oriented identification data and biologically oriented measurement data to achieve the tangible result of screening passengers to provide for safer aircraft flight. It is respectfully suggested that claim 1, as amended, satisfies 35 U.S.C. §101, and accordingly, the withdrawal of the rejection of claim 1 pursuant to section 35 U.S.C. §101 is respectfully requested.

Claims 2-5 depend from claim 1 and therefore claim the same methodology using a processing system that processes biologically oriented identification data and biologically

oriented measurement data to achieve the tangible result of screening passengers to provide for safer aircraft flight. It is respectfully suggested that claims 2-5 satisfy 35 U.S.C. §101, and accordingly, the withdrawal of the rejection of claims 2-5 pursuant to section 35 U.S.C. §101 is respectfully requested.

Claim 15, as amended, specifies a method for screening passengers for a passenger aircraft flight. According to the method of claim 15, a voluntary consent to perform a background check is obtained and a data record that includes information from the background check is formed. Then, a passenger aircraft flight is scheduled as one of a plurality of regularly scheduled flights. When a person wants to take the flight, prior to the flight, a processing system determines whether the person is associated with a formulated data record. If the person is not so associated, participation in the flight is denied. The method of claim 15, as amended, therefore, achieves the tangible result of screening potential passengers before they board an aircraft flight, to provide safer air travel. Accordingly, it is respectfully suggested that claim 15 satisfies 35 U.S.C. §101, and the withdrawal of the rejection of claim 15 pursuant to section 35 U.S.C. §101 is respectfully requested.

Claim 16 depends from claim 15 and therefore embodies the same methodology as claim 15. It is, therefore, respectfully suggested that claim 16 satisfies 35 U.S.C. §101, and accordingly, the withdrawal of the rejection of claim 16 pursuant to section 35 U.S.C. §101 is respectfully requested.

Claims 1-6 and 15-16 were further rejected pursuant to 35 U.S.C. §112, paragraph 1. The Examiner noted that the rejection under 35 U.S.C. §112, paragraph 1 is required pursuant to a rejection under 35 U.S.C. §101. In view of the previous comments with respect to 35 U.S.C. §101, it is respectfully requested that the rejection of claims 1-6 and 15-16 pursuant to under 35 U.S.C. §112, paragraph 1 be withdrawn.

Claims 1-23 were rejected pursuant to 35 U.S.C. §102(e) as being allegedly anticipated by Yagesh et al (U.S. Pub 2003/0171939) ("Yagesh"). Yagesh discloses a Passenger Threat Identification, Detection and Notification System (PTIDN). Yagesh states that the PTIDN is "a knowledge-management system tailored to the requirements of commercial airport counter terror security" and further characterizes the system by: "This system operates by acquiring data from existing airline ticket reservation systems such as the well-known SABRE system, processing and archiving this data, and matching the passenger data thus assembled against forensic

databases maintained by national law enforcement and civil security agencies for the purposes of maintaining civil order and internal homeland security. See, Yagesh, at Paragraph 0173. As the Examiner notes, Yagesh discloses utilizing a photo, nationality information and information relating to sex, that is already stored in a database, in its processing system.

Claim 1, as amended, specifies obtaining biologically oriented identification data. The specification provides examples of biologically oriented identification data such as retinal scan information, facial scan information, fingerprint information or other unique biological identification information. Thus, biologically oriented information data must be obtained directly from a person's body. Claim 1 also specifies obtaining biologically oriented measurement data before a flight. Thus, claim 1 requires obtaining biologically oriented information from a person at least two times before the person can board a flight.

Yagesh only discloses using a simple photo, nationality information or information pertaining to the sex of a potential passenger to screen a passenger. This information in the Yagesh database is not the biologically oriented information data required by claim 1. Thus, Yagesh fails to teach or suggest the use of biologically oriented information data or the use of biologically oriented measurement data. Further, the system of Yagesh obtains its information – a photo, nationality information or information relating to sex – only once from a potential passenger. The system of claim 1 requires that biological information be obtained twice from a potential passenger. For at least these reasons, Yagesh fails to teach or suggest the invention specified by amended claim 1. Accordingly, allowance of claim 1 is respectfully requested.

Claims 2-6 depend from claim 1, either directly or indirectly, and incorporate each limitation of claim 1. Accordingly, for the reasons previously discussed, allowance of claims 2-6 is respectfully requested.

Claim 7 is a system counterpart to claim 1. It also requires the use of biologically oriented identification data and biologically oriented measurement data, as well as a processing system that receives both sets of biologically oriented data. As previously described, Yagesh fails to teach or suggest the use of biologically oriented data and also fails to teach or suggest the use of two sets of biologically oriented data, including biologically oriented identification data and biologically oriented measurement data. For at least these reasons, Yagesh fails to teach or suggest the invention of claim 7, and allowance of claim 7 is respectfully requested.

Claims 8-14 depend from claim 7, either directly or indirectly, and incorporate each limitation of claim 7. Accordingly, for the reasons previously discussed, allowance of claims 8-14 is respectfully requested.

Claim 15 specifies a method for screening passengers for a passenger aircraft flight wherein a background check is performed on a plurality of passengers after obtaining their consent, and a data record associated with each of the plurality of passengers is formed. Information from the background checks is stored in the data record. Prior to a scheduled passenger aircraft flight, it is determined whether a person is associated with a formulated data record. If the person is not associated with the data record, participation by the person in the passenger aircraft flight is denied.

The Examiner alleges that claim 8 of Yagesh discloses the invention of claim 15. Claim 8, however, merely discloses comparing recorded information with a representative template to determine whether a passenger poses a threat. It does not teach or suggest denying participation in flight based on whether a person is associated with a data record in a database. Accordingly, Yagesh fails to teach or suggest the invention of claim 15, and allowance of claim 15 is respectfully requested.

Claim 16 depends from claim 15, and incorporates each limitation of claim 15. Accordingly, for the reasons previously discussed, allowance of claim 16 is respectfully requested.

Claim 17 is a system counterpart of claim 15. As previously described, Yagesh fails to teach or suggest the use of biologically oriented data and also fails to teach or suggest the limitations of claim 15. For a least these reasons, Yagesh fails to teach or suggest the invention of claim 17 as well, and allowance of claim is respectfully requested.

Claims 18-23 depend from claim 17, either directly or indirectly, and incorporate each limitation of claim 17. Accordingly, for the reasons previously discussed, allowance of claims 18-23 is respectfully requested.

It is believed that all objections set forth in the Office Action dated January 13, 2004 have been fully met, and favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (732-815-0404) to discuss any additional objections.

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Respectfully submitted,



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